

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**WILLIE MUNN and  
MARY ELIZA MUNN**

**PLAINTIFF**

**v.**

**Civil No. 4:15-cv-04072**

**CRISSY HUNT; CASEY PARKER;  
JAILER DUSTIN WAKEFIELD;  
JOE KUHN; ASHLEY VAILES; and  
ARKANSAS PAROLE BOARD & GOVERNMENT**

**DEFENDANTS**

**ORDER**

On October 27, 2015 this Court entered a Report and Recommendation of the Magistrate Judge dismissing Plaintiff's Complaint based on the accumulation of three strikes in cases filed in this district and the Eastern District of Arkansas. ECF No. 12. One of the cases cited as a strike against Plaintiff was *Munn v. Martin*, Civil No. 4:11-cv-04084 (W.D. Ark. Sep. 24, 2012). It has come to the Court's attention the Eighth Circuit Court of Appeals clarified this Court's Judgment in *Munn v. Martin* so the dismissal of the action did not count as a "strike" under 28 U.S.C. § 1915(g). ECF No. 59 in *Munn v. Martin*, Civil No. 4:11-cv-04084.

Accordingly, the Report and Recommendation of the Magistrate Judge (ECF No. 12) is hereby **WITHDRAWN**. The Court will review Plaintiff's Complaint in this matter pursuant to the preservice screening requirements under the Prison Litigation Reform Act and issue an order at a later date.

**DATED this 14th day of April 2016.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE